UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

C. B., next friend,		
Kathy Armstrong,)	
)	
Plaintiff,)	
)	
VS.)	Case No. 4:05CV1287 AGF
)	
SOCIAL SECURITY ADMINISTRATION,)	
Jo Anne B. Barnhart, Commissioner,)	
)	
Defendant.)	

ORDER OF DISMISSAL

This matter is before the Court upon review of the file. Plaintiff filed this action on August 19, 2005, seeking judicial review of Defendant's decision denying Plaintiff's application for Supplemental Security Income benefits. The record reflects that Defendant was never served. Furthermore, Plaintiff never filed a brief, which, pursuant to the Case Management Order governing this case, was due by October 31, 2005. On December 12, 2005, Plaintiff's counsel represented to the Court that this case should be dismissed as moot and that he would file a motion for voluntary dismissal. To date, counsel has failed to do so.

Accordingly,

IT IS HEREBY ORDERED that this action is dismissed, without prejudice, for failure to serve Defendant in accordance with Federal Rule of Civil Procedure 4(m), and for failure to prosecute.

UNITED STATES DISTRICT JUDGE

Dated this 5th day of January, 2006.